

From the:  
INTERNATIONAL SEARCHING AUTHORITY

To:

Cullen & Co  
GPO Box 1074  
BRISBANE QLD 4001

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) - 7 JUN 2004

Applicant's or agent's file reference  
040230PCT

FOR FURTHER ACTION  
See paragraph 2 below

International application No.  
PCT/AU2004/000367

International filing date (day/month/year)  
25 March 2004

Priority date (day/month/year)  
27 March 2003

International Patent Classification (IPC) or both national classification and IPC

Int. Cl.<sup>7</sup> B05B 1/02, 1/04; B05C 17/00; B65D 51/24, 83/28, 83/30

Applicant

ACA PRODUCTS PTY LTD et al

1. This opinion contains indications relating to the following items:

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU  
AUSTRALIAN PATENT OFFICE  
PO BOX 200, WODEN ACT 2606, AUSTRALIA  
E-mail address: pct@ipaustalia.gov.au  
Facsimile No. (02) 6285 3929

Authorized Officer

D.R. LUM  
Telephone No. (02) 6283 2544

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AU2004/000367

**Box No. I**      **Basis of the opinion**

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/AU2004/000367**

**Box No. V** Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

**1. Statement**

Novelty (N)	Claims 7-10	YES
	Claims 1-6	NO
Inventive step (IS)	Claims 7	YES
	Claims 1-6, 8-10	NO
Industrial applicability (IA)	Claims 1-10	YES
	Claims	NO

**Citations and explanations:**

**Novelty (N): Claims :1-6**

**D1: US 5361623 A (WANTZ)**

**D2 US 5529226 A (ALBERTH, Jr.)**

**D3 WO 1993/014997 A (TOTH)**

The invention as defined in claims 1-6 is not novel in light of the disclosures in D1-D3. For example, D3 describes an aerosol extension including a mounting arrangement 36, and a tube member 60 which has a first end which engages the nozzle head 20 of the pressurised container.

The attachment portion also comprises a clip portion 40 (figure 2) which engages a shoulder part of the container (figure 3). The locking means is created by the ring shaped clamp or collar 36 -refer to page 7 lines 6-11

As all the features are disclosed, the invention is not considered to be novel

**Inventive Step (IS) Claims 1-6, 8-10**

**Claims 1-6 - See above**

**Claims 8-10**

The features added by these claims relate to features which are typical in devices of this type- re nozzles of claims 9 and 10 and therefore cannot be considered as contributing to patentable ingenuity. The marking of the tube to provide the user to judge the distance from the end of the tube is also not considered to be inventive as it is obvious to mark material to indicate distances from objects.